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EXECUTIVE BOARD

Organizational session for 1992

SUMMARY RECORD OF THE 4TH MEETING

Held at Headquarters, New York,
on Wednesday, 25 March 1992, at 3 p.m.

Chairman: Ms. SETH (India)

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This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent to Mrs. M. A. Cuna, Office of the Secretary of the Executive Board, room H-12K, UNICEF House, 3 United Nations Plaza, New York.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.05 p.m.

PREPARATIONS FOR THE 1992 REGULAR SESSION

(b) CHAIRMAN'S WORKING PAPER ON BOARD PROCEDURES (E/ICEF/1992/CRP.5)

(c) PROVISIONAL ANNOTATED AGENDA AND ORGANIZATION OF WORK, EXECUTIVE BOARD SESSION, 15-26 JUNE 1992 (continued) (E/ICEF/1992/1, E/ICEF/1992/CRP.12)

1. Mr. WARD (Canada), reporting on the results of the informal drafting meeting, said it had been agreed that the Secretariat would draw up a working paper, based on the proposal concerning the rotation of the chairmanship of the Executive Board and E/ICEF/1992/CRP.5, recommending that a decision should be taken on the matter at the beginning of the regular session of the Executive Board in June 1992. Agreement had also been reached on the revised provisional timetable (E/ICEF/1992/CRP.12), as amended. He read out the following amendments which had been agreed upon: (a) the question of the rotation of the chairmanship would be placed at the beginning of the agenda; (b) the order of consideration of programmes would be adjusted to ensure a better distribution of regional presentations between day and evening meetings; (c) a separate time slot would be reserved for Central and Eastern European countries and the Commonwealth of Independent States; (d) the schedule of meetings would be adjusted to permit a more rational use of time.

2. Mr. SCOTT (Australia) said that, while it did not disassociate itself from the consensus, his delegation was opposed to the rotation of the chairmanship on the basis proposed, namely alternating two terms for developing countries with one term for an industrialized country. It was very important for both categories of countries to remain partners, and the issue must not become politicized.

3. The CHAIRMAN said that, if she heard no objection, she would take it that the Executive Board wished to adopt the proposed organization of work, as amended.

4. It was so decided.

5. The CHAIRMAN said that consideration of item 5 (b) and (c) of the agenda had thus been concluded.

STANDARD BASIC COOPERATION AGREEMENT (E/ICEF/1992/L.1 and Add.1 to 3; E/ICEF/1992/L.2)

6. Mr. MONTES DE OCA (Observer for Mexico) suggested that consideration of the proposed standard Basic Cooperation Agreement should be postponed until

(Ms. Montes de Oca, Observer, Mexico)

the June session, since his delegation would like to have more time for consultations with its Government.

7. Mr. SCOULAR (United Kingdom) said that it was for the members of the Executive Board to take a decision and that it would be regrettable if the decision were to be deferred, since the Board was close to a consensus on the draft under consideration.

8. Ms. MEHTA (India) said that, without prejudice to her delegation's basic position on the substance, the concerns of a delegation with observer status only should not be relevant.

9. Ms. LIEDES (Finland) proposed that consideration of the draft text should be postponed until the June session because some delegations still had reservations on its substance.

10. Mr. SCOULAR (United Kingdom) said that he found it difficult to understand the problems which some delegations had with the text. It was a collection of guidelines without binding force, which the Executive Board had simply been asked to take note of, and not to adopt. The text should be viewed only as a basis for negotiations.

11. Ms. LIEDES (Finland) suggested that the meeting should be suspended so that consultations could be continued.

The meeting was suspended at 3.15 p.m. and resumed at 4.30 p.m.

12. Mr. SSEKANDI (Office of Legal Affairs), responding to a point raised by the delegation of Finland at the previous meeting, said that the Office of Legal Affairs saw no objection to mentioning in the text of the standard Basic Cooperation Agreement that the UNICEF mandate fell within the framework of the operational activities of the United Nations.

13. Mr. POST (Netherlands) said that the members of the Executive Board had agreed to reword the recommendation accompanying the draft standard Basic Cooperation Agreement to read: "The Executive Director recommends that the Executive Board take note of the standard Basic Cooperation Agreement, as well as taking note of concerns expressed by some delegations, to enable the secretariat to use it in negotiations with Governments with which UNICEF cooperates in programmes, with due respect to national legislation, as and when this is mutually agreed by the concerned Governments and UNICEF. The secretariat will continue discussions with concerned Governments and report back on this in a conference room paper to the June 1992 session." The new wording gave complete latitude to UNICEF and the Governments concerned to continue negotiations.

14. The CHAIRMAN proposed that the Executive Board should take note of document E/ICEF/1992/L.2, as amended.

15. It was so decided.

16. Ms. MEHTA (India) said that her delegation maintained its reservations with regard to the provisions concerning intellectual property rights and UNICEF staff in the country, and that it considered the Agreement non-binding.

17. Mr. KHALIL (Observer for Egypt) said that it should be possible to tailor the text of the Basic Cooperation Agreement to the specific needs of the Governments involved. Egypt had reservations with regard to articles XIII, XV, XVIII and XXI and hoped that they would be taken into consideration if the Government needed to renegotiate its existing agreement with UNICEF. Furthermore, it was his understanding that Governments were in no way required to renegotiate such agreements if they found them satisfactory.

18. Mr. MONTES DE OCA (Observer for Mexico) said that his country maintained its reservations with regard to articles VIII and XII of the draft agreement. It was important to preserve the agreement system. The Basic Cooperation Agreement was not binding and should be subject to modification to take into account conditions in individual countries. As far as Mexico was concerned, the reservations it had expressed with regard to the Convention on the Privileges and Immunities of the United Nations should be taken into account.

19. Mr. HUH (Republic of Korea) said that any reservations concerning negotiation of the Agreement with Governments should be applied universally. Specifying that reservations applied to a certain country could only be a source of confusion to other countries.

20. Mr. COSTA FILHO (Brazil) said that his country had joined the consensus with the understanding that the Basic Cooperation Agreement left room for adjustments to be made during bilateral negotiations.

21. Mr. ADOUKI (Congo) said that, while he welcomed the contribution of non-member delegations to the consultations, he wondered whether, by giving those delegations the same rights as members of the Executive Board, the nature of that body might be called into question, and whether that might interfere with the Board's decision-making mechanism.

22. Mr. WILLIAMS (Secretary of the Executive Board) said that members of the Executive Board and observers had different voting rights, as was clearly stated in the by-laws. It was, however, traditional within UNICEF to work by consensus, in a collegial manner which had proved to be effective. Dialogue was all the more essential because often a particular country alternated between member and observer status.

23. The CHAIRMAN said that the Board had concluded its consideration of item 9 of the agenda.

24. After an exchange of courtesies, she declared the organizational session closed.

The meeting rose at 4.55 p.m.